

AMENDMENT OF SOLICITATION/MODIFICATION OF CONTRACT				1. CONTRACT ID CODE <div style="text-align: center;">J</div>		PAGE OF PAGES <div style="text-align: center;">1 2</div>	
2. AMENDMENT/MODIFICATION NO. <div style="text-align: center;">0003</div>		3. EFFECTIVE DATE <div style="text-align: center;">25-Nov-2003</div>		4. REQUISITION/PURCHASE REQ. NO.		5. PROJECT NO.(If applicable)	
6. ISSUED BY USA ENGINEER DISTRICT, SEATTLE ATTN: CENWS-CT 4735 EAST MARGINAL WAY SOUTH SEATTLE WA 98134-2329		CODE <div style="text-align: center;">W912DW</div>		7. ADMINISTERED BY (If other than item 6) <div style="text-align: center; font-weight: bold;">See Item 6</div>			
8. NAME AND ADDRESS OF CONTRACTOR (No., Street, County, State and Zip Code)				X 9A. AMENDMENT OF SOLICITATION NO. W912DW-04-Q-0014			
				X 9B. DATED (SEE ITEM 11) 21-Nov-2003			
				10A. MOD. OF CONTRACT/ORDER NO.			
				10B. DATED (SEE ITEM 13)			
CODE		FACILITY CODE					
11. THIS ITEM ONLY APPLIES TO AMENDMENTS OF SOLICITATIONS							
<input checked="" type="checkbox"/> The above numbered solicitation is amended as set forth in Item 14. The hour and date specified for receipt of Offer <input checked="" type="checkbox"/> is extended, <input type="checkbox"/> is not extended. Offer must acknowledge receipt of this amendment prior to the hour and date specified in the solicitation or as amended by one of the following methods: (a) By completing Items 8 and 15, and returning <u>1</u> copies of the amendment; (b) By acknowledging receipt of this amendment on each copy of the offer submitted; or (c) By separate letter or telegram which includes a reference to the solicitation and amendment numbers. FAILURE OF YOUR ACKNOWLEDGMENT TO BE RECEIVED AT THE PLACE DESIGNATED FOR THE RECEIPT OF OFFERS PRIOR TO THE HOUR AND DATE SPECIFIED MAY RESULT IN REJECTION OF YOUR OFFER. If by virtue of this amendment you desire to change an offer already submitted, such change may be made by telegram or letter, provided each telegram or letter makes reference to the solicitation and this amendment, and is received prior to the opening hour and date specified.							
12. ACCOUNTING AND APPROPRIATION DATA (If required)							
13. THIS ITEM APPLIES ONLY TO MODIFICATIONS OF CONTRACTS/ORDERS. IT MODIFIES THE CONTRACT/ORDER NO. AS DESCRIBED IN ITEM 14.							
A. THIS CHANGE ORDER IS ISSUED PURSUANT TO: (Specify authority) THE CHANGES SET FORTH IN ITEM 14 ARE MADE IN THE CONTRACT ORDER NO. IN ITEM 10A.							
B. THE ABOVE NUMBERED CONTRACT/ORDER IS MODIFIED TO REFLECT THE ADMINISTRATIVE CHANGES (such as changes in paying office, appropriation date, etc.) SET FORTH IN ITEM 14, PURSUANT TO THE AUTHORITY OF FAR 43.103(B).							
C. THIS SUPPLEMENTAL AGREEMENT IS ENTERED INTO PURSUANT TO AUTHORITY OF:							
D. OTHER (Specify type of modification and authority)							
E. IMPORTANT: Contractor <input type="checkbox"/> is not, <input type="checkbox"/> is required to sign this document and return _____ copies to the issuing office.							
14. DESCRIPTION OF AMENDMENT/MODIFICATION (Organized by UCF section headings, including solicitation/contract subject matter where feasible.) TITLE: Westport Beach Transition Gravel Placement, Westport, Washington, Grays Harbor County SEE ATTACHED CONTINUATION SHEET							
Except as provided herein, all terms and conditions of the document referenced in Item 9A or 10A, as heretofore changed, remains unchanged and in full force and effect.							
15A. NAME AND TITLE OF SIGNER (Type or print)				16A. NAME AND TITLE OF CONTRACTING OFFICER (Type or print)			
				TEL: _____ EMAIL: _____			
15B. CONTRACTOR/OFFEROR _____ (Signature of person authorized to sign)		15C. DATE SIGNED		16B. UNITED STATES OF AMERICA BY _____ (Signature of Contracting Officer)		16C. DATE SIGNED 25-Nov-2003	

SECTION SF 30 BLOCK 14 CONTINUATION PAGE

SUMMARY OF CHANGES

- a. The purpose of this amendment is to incorporate the letter from the Department of Ecology of the State of Washington, and to extend the Bid Closing date.
- b. The letter from the Department of Ecology of the State of Washington, dated 31 October 2003, is hereby incorporated into this solicitation (see attached).
- c. The Bid Closing date is extended from 26 November 2003 to 1 December 2003 at 11:00AM Local Time.
- d. There are no other changes as a result of this amendment.

(End of Summary of Changes)

SOLICITATION/CONTRACT/ORDER FOR COMMERCIAL ITEMS <i>OFFEROR TO COMPLETE BLOCKS 12, 17, 23, 24, AND 30</i>				1. REQUISITION NUMBER		PAGE 1 OF 54	
2. CONTRACT NO.		3. AWARD/EFFECTIVE DATE		4. ORDER NUMBER		5. SOLICITATION NUMBER W912DW-04-Q-0014	
7. FOR SOLICITATION INFORMATION CALL:		a. NAME SUSAN F NEWBY				b. TELEPHONE NUMBER (No Collect Calls) 206-764-6780	
9. ISSUED BY USA ENGINEER DISTRICT, SEATTLE ATTN: CENWS-CT 4735 EAST MARGINAL WAY SOUTH SEATTLE WA 98134-2329 TEL: 206-764-3772 FAX: 206-764-6817		CODE W912DW		10. THIS ACQUISITION IS <input type="checkbox"/> UNRESTRICTED <input checked="" type="checkbox"/> SET ASIDE: 100% FOR <input checked="" type="checkbox"/> SMALL BUSINESS <input type="checkbox"/> SMALL DISADV. BUSINESS <input type="checkbox"/> 8(A) SIC: 7353 SIZE STANDARD:\$6.0 Million		11. DELIVERY FOR FOB DESTINATION UNLESS BLOCK IS MARKED <input type="checkbox"/> SEE SCHEDULE	
						12. DISCOUNT TERMS	
						13a. THIS CONTRACT IS A RATED ORDER UNDER DPAS (15 CFR 700)	
						13b. RATING	
						14. METHOD OF SOLICITATION <input checked="" type="checkbox"/> RFQ <input type="checkbox"/> IFB <input type="checkbox"/> RFP	
15. DELIVER TO SEE SCHEDULE		CODE		16. ADMINISTERED BY CODE			
17a. CONTRACTOR/OFFEROR TEL. FACILITY CODE		CODE		18a. PAYMENT WILL BE MADE BY CODE			
<input type="checkbox"/> 17b. CHECK IF REMITTANCE IS DIFFERENT AND PUT SUCH ADDRESS IN OFFER		18b. SUBMIT INVOICES TO ADDRESS SHOWN IN BLOCK 18a. UNLESS BLOCK BELOW IS CHECKED <input type="checkbox"/> SEE ADDENDUM					
19. ITEM NO.		20. SCHEDULE OF SUPPLIES/SERVICES		21. QUANTITY		22. UNIT	
		SEE SCHEDULE					
25. ACCOUNTING AND APPROPRIATION DATA						26. TOTAL AWARD AMOUNT	
<input type="checkbox"/> 27a. SOLICITATION INCORPORATES BY REFERENCE FAR 52.212-1. 52.212-4. FAR 52.212-3. 52.212-5 ARE ATTACHED. ADDENDA <input type="checkbox"/> ARE <input type="checkbox"/> ARE NOT ATTACHED							
<input type="checkbox"/> 27b. CONTRACT/PURCHASE ORDER INCORPORATES BY REFERENCE FAR 52.212-4. FAR 52.212-5 IS ATTACHED. ADDENDA <input type="checkbox"/> ARE <input type="checkbox"/> ARE NOT ATTACHED							
28. CONTRACTOR IS REQUIRED TO SIGN THIS DOCUMENT AND RETURN <u>1</u> COPIES TO ISSUING OFFICE. CONTRACTOR AGREES TO FURNISH AND DELIVER ALL ITEMS SET FORTH OR OTHERWISE IDENTIFIED ABOVE AND ON ANY ADDITIONAL SHEETS SUBJECT TO THE TERMS AND CONDITIONS SPECIFIED HEREIN.				29. AWARD OF CONTRACT: REFERENCE <input type="checkbox"/> OFFER DATED . YOUR OFFER ON SOLICITATION (BLOCK 5), INCLUDING ANY ADDITIONS OR CHANGES WHICH ARE SET FORTH HEREIN, IS ACCEPTED AS TO ITEMS:			
30a. SIGNATURE OF OFFEROR/CONTRACTOR				31a. UNITED STATES OF AMERICA (SIGNATURE OF CONTRACTING OFFICER)			
				31c. DATE SIGNED			
30b. NAME AND TITLE OF SIGNER (TYPE OR PRINT)		30c. DATE SIGNED		31b. NAME OF CONTRACTING OFFICER (TYPE OR PRINT)			
				TEL: EMAIL:			
32a. QUANTITY IN COLUMN 21 HAS BEEN <input type="checkbox"/> RECEIVED <input type="checkbox"/> INSPECTED <input type="checkbox"/> ACCEPTED, AND CONFORMS TO THE CONTRACT, EXCEPT AS NOTED				33. SHIP NUMBER		34. VOUCHER NUMBER	
				<input type="checkbox"/> PARTIAL <input type="checkbox"/> FINAL		35. AMOUNT VERIFIED CORRECT FOR	
32b. SIGNATURE OF AUTHORIZED GOVT. REPRESENTATIVE		32c. DATE		36. PAYMENT <input type="checkbox"/> COMPLETE <input type="checkbox"/> PARTIAL <input type="checkbox"/> FINAL		37. CHECK NUMBER	
41a. I CERTIFY THIS ACCOUNT IS CORRECT AND PROPER FOR PAYMENT				38. S/R ACCOUNT NUMBER		39. S/R VOUCHER NUMBER	
41b. SIGNATURE AND TITLE OF CERTIFYING OFFICER		41c. DATE		42a. RECEIVED BY (Print)		40. PAID BY	
				42b. RECEIVED AT (Location)			
				42c. DATE REC'D (YY/MM/DD)			
				42d. TOTAL CONTAINERS			

This page intentionally blank

For Reel 28 10/31/03



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

PO Box 47775 • Olympia, Washington 98504-7775 • (360) 407-6300

October 31, 2003

CERTIFIED MAIL

Mr. Hiram Arden (OD-TS-NS)
Navigation Section
US Army Corps of Engineers
PO Box 3755
Seattle WA 98155-3755

RE: Public Notice #CENWS-D-TS-NS-21 / ORDER #03SEASR-5839 -- Water Quality
Certification/ Coastal Zone Consistency Determination for the Army Corps of Engineers
Navigation Section for the Half Moon Bay Transition Project, Westport, Grays Harbor
County, Washington

Dear Mr. Arden:

The request for certification for proposed work in and adjacent to Half Moon Bay in southwestern Grays Harbor adjacent to Westhaven State Park, Grays Harbor County, Washington has been reviewed. On behalf of the State of Washington, we certify that the proposed work, as conditioned by the enclosed Order, will comply with applicable provisions of Sections 301, 302, 303, 306 and 307 of the Clean Water Act, as amended, and other appropriate requirements of State law. This letter also serves as the State response to the Corps of Engineers.

Pursuant to 16 U.S.C. 1456 et. seq. (Section 307(c)(3) of the Coastal Zone Management Act of 1972 as amended), Ecology concurs with the applicant's determination that this work will be consistent with the approved Washington State Coastal Zone Management Program. This concurrence is based upon the applicant's compliance with all applicable enforceable policies of the Coastal Zone Management Program, including Section 401 of the Federal Water Pollution Control Act.

This certification is subject to the conditions contained in the enclosed Order. If you have any questions, please contact Helen Pressley at (360) 407-6926. Written comments can be sent to her



cf:

Mr. Hiram Arden
October 31, 2003
Page 2

at the Department of Ecology, Southwest Regional Office, PO Box 47775, Olympia WA 98504-7775 or at hpre461@ecy.wa.gov. The enclosed Order may be appealed by following the procedures described in the Order.

Sincerely,



Paula Ehlers
Section Manager
Shorelands and Environmental
Assistance Program

PE:hp:dn
Enclosure

cc: Linda Rankin, Ecology
Yvonne Oliva, Ecology
Deborah Cornett, Ecology

IN THE MATTER OF GRANTING)
A WATER QUALITY)
CERTIFICATION TO)
the U.S. Army Corps of Engineers)
in accordance with 33 U.S.C. 1341)
FWPCA § 401, RCW 90.48.260)
and WAC 173-201A)

ORDER #03SEASR-5839
CORPS #CENWS-OD-TS-NS-21
Placement of 40,000 tons of gravel and
cobble along approximately 1,000 linear
feet of beach in the southwest portion of
Half Moon Bay.

TO: Navigation Section
US Army Corps of Engineers
PO Box 3755
Seattle WA 98124-3755

ATTN: Mr. Hiram Arden (OD-TS-NS):

A Public Notice for issuance of a water quality certification from the State of Washington has been distributed for the above-referenced project pursuant to the provisions of 33 U.S.C. 1341 (FWPCA § 401). The proposed project involves placement of 40,000 tons (27,000 cubic yards) of gravel and cobble along approximately 1,000 linear feet of beach in the southwest portion of Half Moon Bay, Grays Harbor County, Washington. The material is meant to create a gradual "transition" beach area between the wave diffraction mound adjacent to the south jetty and the sandy beach to the west. This material will be placed between the rapidly eroding shoreline edge and the +4 foot depth contour (MLLW datum). Heavily incised stormwater drainage channels at the top of the bank will also be filled. The material will be end-dumped by trucks from an access road on the upper bank. Currents and waves are expected to regrade and disperse the materials along the beach.

AUTHORITIES:

In exercising authority under 33 U.S.C. 1341 and RCW 90.48.260, Ecology has investigated this application pursuant to the following:

1. Conformance with applicable water quality-based, technology-based, and toxic or pretreatment effluent limitations as provided under 33 U.S.C. Sections 1311, 1312, 1313, 1316, and 1317 (FWPCA Sections 301, 302, 303, 306, and 307);
2. Conformance with the state water quality standards as provided for in Chapter 173-201A WAC authorized by 33 U.S.C. 1313 and by Chapter 90.48 RCW, and with other appropriate requirements of state law; and,
3. Conformance with the provision of using all known, available and reasonable methods to prevent and control pollution of state waters as required by RCW 90.48.010.

WATER QUALITY CERTIFICATION CONDITIONS: In view of the foregoing and in accordance with 33 U.S.C. 1341, 90.48.260 RCW and Chapter 173-201A WAC, certification is granted to the U. S. Army Corps of Engineers (Applicant) subject to the following conditions:

A. No Further Impairment of Existing Water Quality:

A1. Certification of this proposal does not authorize the Applicant to exceed applicable state water quality standards (173-201A WAC), including the state sediment quality standards (173-204 WAC).

Furthermore, nothing in this certification shall absolve the Applicant from liability for contamination and any subsequent cleanup of surface waters or sediments occurring as a result of project construction or operations.

B. Temporary Modification of Water Quality Standards:

B1. Project construction, operation, and maintenance shall be done in compliance with WAC 173-201A. **This certification does not authorize a modification of standards above those established in WAC 173-201A.**

C. Construction Conditions:

C1. Work in or near waters of the state shall be done so as to minimize turbidity, erosion, and other water quality impacts. Construction sediment and erosion control Best Management Practices suitable to prevent exceedances of state water quality standards shall be in place before starting filling or grading work at the impact site.

C2. Water containing oils, grease, or other hazardous materials resulting from wash down of equipment or working areas shall not be discharged into state waters except as otherwise authorized.

C3. All trucks shall enter the project site via the park access road and haul roads.

D. Monitoring and Contingency Conditions:

D1. The Corps shall begin immediately to coordinate and develop a process for planning and then pursuing a long-term management strategy to address ongoing erosion management issues at Half Moon Bay. This process shall include participation of resource agencies and allow opportunities for review and comment by the public. Development of the long-term plan should include a review of existing data and a thorough evaluation of the relevant physical, bathymetric, and hydraulic prior to selection of a preferred long-term solution for the erosion at Half Moon Bay.

D2. The Corps shall develop a comprehensive monitoring program to evaluate the specific conditions contributing to the shoreline erosion. Monitoring shall include beach surveys documenting the erosion and accretion patterns. The Corps shall submit the results to Ecology.

D3. The Corps shall prepare a contingency plan regarding a potential breach or end-effect erosion caused by the emergency installation of ecoblocks. This plan shall be submitted to Ecology for review prior to December 31, 2003.

D4. **"As Built" Report:** a detailed "as built" report shall be prepared for the project at completion. The "as-built" report shall show any variances from the plans as submitted. All variances must be approved by Ecology prior to their installation. The "as-built" shall be the baseline document used for all future monitoring of the project. Contents of the "as-built" shall include but not be limited to:

(a.) comments from staff present on site during construction;

(b.) final site plan topography (both site plan view and typical sections), and

(c.) photographs of the area taken from permanent photo points.

D5. Two copies of "As Built" report shall be prepared and submitted to Ecology's Federal Permit Coordinator at the Southwest Regional Office, P. O. Box 47775, Olympia, WA 98504-7775.

E. Notification:

E1. The Corps shall submit an updated application to Ecology if the information contained in the Corps public notice is altered. Within 30 days of receipt of an updated application Ecology will determine if a modification to this Order is required. All submittals shall be sent to SWRO Federal Permit Coordinator at the above address.

E2. The Corps must provide written notice of the start of project construction to Ecology's SWRO Federal Permit Coordinator at the above address, e-mail, or phone number approximately three days prior to construction. Immediate notification shall be made to Ecology's SWRO Federal Permit Coordinator should any emergency activities be required.

F. Emergency Measures:

F1. Any in-water work that is out of compliance with the provisions of this Order, or any discharge of oil, fuel, or chemicals into state waters or onto land with a potential for entry into state waters, is prohibited. If these occur, the operator shall immediately take the following actions:

- (a.) Cease operations.
- (b.) Assess the cause of the water quality problem and take appropriate measures to correct the problem and/or prevent further environmental damage.
- (c.) In the event of a discharge of oil, fuel, or chemicals into state waters, or onto land with a potential for entry into state waters, containment and cleanup efforts shall begin immediately and be completed as soon as possible, taking precedence over normal work. Cleanup shall include proper disposal of any spilled material and used cleanup materials.

F2. Spills into state waters, spills onto land with a potential for entry into state waters, or other significant water quality impacts, shall be reported immediately to Ecology's Southwest Regional Spill Response Office at (360) 407-6300.

F3. Fuel hoses, oil drums, oil or fuel transfer valves and fittings, etc., shall be checked regularly for drips or leaks, and shall be maintained and stored properly to prevent spills into state waters, including wetlands.

F4. Toxic conditions resulting in distressed or dying fish are not allowed. If these conditions exist, construction shall cease immediately and the Applicant or the contractor shall contact Ecology's Southwest Regional Spill Response Office at (360) 407-6300.

G. General Conditions:

G1. This Order does not authorize direct, indirect, permanent, or temporary impacts to waters of the state or related aquatic resources, except as specifically provided for in conditions of this Order.

G2. This certification does not exempt and is conditioned upon compliance with other statutes and codes administered by federal, state, and local agencies.

G3. The Corps shall construct and operate the project in a manner consistent with the project description contained in the Public Notice for certification, or as otherwise approved by Ecology.

G4. The Corps shall reapply with an updated application for certification if five years elapse between the date of the issuance of this Order and the beginning of construction and/or discharge for which the federal license or permit is being sought.

G5. The Corps shall reapply with an updated application if the information contained in the Public Notice is voided by subsequent submittals to the federal agency. Any future action at this project location, emergency or otherwise, that is not defined in the public notice, or has not been approved by Ecology, is not authorized by this Order. All future actions shall be coordinated with Ecology for approval prior to implementation of such action.

G6. The Corps shall provide access to the project site upon request by Ecology personnel for site inspections, monitoring, necessary data collection, or to ensure that conditions of this Order are being met.

G7. Copies of this Order and all related permits, approvals, and documents shall be kept on the project site and readily available for reference by the project managers, construction managers and foremen, other employees and contractors of the Corps, and state agency personnel.

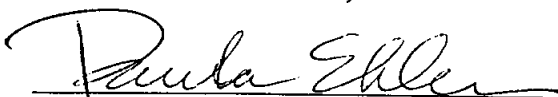
G8. The Corps shall ensure that all appropriate supervisors and contractors at the project site have read and understand relevant conditions of this Order and all permits, approvals, and documents referenced in this Order.

G9. Ecology retains continuing jurisdiction to make modifications hereto through supplemental Order, if it appears necessary to further protect the public interest.

Any person who fails to comply with any provision of this Order shall be liable for a penalty of up to ten thousand dollars (\$10,000) per violation for each day of continuing noncompliance.

Any person aggrieved by this Order may obtain review thereof by appeal. The Applicant can appeal up to 30 days after receipt of the permit, and all others can appeal up to 30 days from the postmarked date of the permit. The appeal must be sent to the Washington Pollution Control Hearings Board, P.O. Box 40903, Olympia, WA 98504-0903. Concurrently, a copy of the appeal must be sent to the Department of Ecology, Shorelands and Environmental Assistance Program, P.O. Box 47600, Olympia, WA 98504-7600. These procedures are consistent with the provisions of Chapter 43.21B RCW and the rules and regulations adopted thereunder.

Dated Oct. 31, 03 at Lacey, Washington



Paula Ehlers Section Supervisor
Shorelands and Environmental Assistance Program
Department of Ecology – Southwest Regional Office

This page intentionally blank